

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

JOEL FAUST, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 1:10-cv-02336-WMN
	:	
COMCAST CABLE COMMUNICATIONS	:	
MANAGEMENT, LLC,	:	
	:	
Defendant.	:	
	:	

**DEFENDANT'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS FROM OPT-IN PLAINTIFFS**

Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure, and Local Rule 104, Defendant Comcast Cable Communications Management, LLC (“Comcast” or “Defendant”), by and through its counsel, moves to enter the attached Order compelling opt-in Plaintiffs Jerome Anderson, Christopher Clark, Scott Fischer, James Hausler, Kemata Holt, Sherri Lato, Yvonne Pitts, Josiah Smith, Shalanda Snead, George Thomas, Kwesi Thomas, and Mary Watson (collectively “Plaintiffs”), to provide a response to—and produce documents pursuant to— Defendant’s First Request for Production of Documents. In support of this Motion, Defendant states as follows:

1. On June 15, 2012, Defendant served Plaintiffs’ Counsel, via email, with Defendant’s First Request for Production of Documents to the aforementioned opt-in Plaintiffs. Copies of Defendant’s First Request for Production of Documents to each of those opt-in Plaintiffs are attached as Exhibits 1-12.

2. The thirty day period within which Plaintiffs were required to respond or object to Defendant's Request for Production of Documents has long since expired. *See Fed. R. Civ. P. 34(b)(2)(A)* (providing that “[t]he party to whom the request is directed must respond in writing within 30 days after being served”); *see also Khepera-Bey v. Santander Consumer USA Inc.*, No. WDQ-11-1269, 2012 WL 5882628 at *2 (D. Md. Nov. 21, 2012) (“Fed. R. Civ. P. 33 and 34 also require the responding party to respond to interrogatories and requests for production of documents within thirty (30) days, and Fed. R. Civ. P. 37(a)(3)(B)(iii) provides that a party seeking discovery may move to compel a response if the other party fails to respond to a discovery request.”),
3. On December 26, 2012, Defendant's Counsel sent Plaintiffs' Counsel an email concerning the unanswered Request for Production of Documents. The email communicated to Plaintiffs' Counsel that if a response was not received by January 9, 2013, Defendants would move to compel. A copy of the email is attached as Exhibit 13.
4. To date, Plaintiffs have not produced any documents and have failed to respond in any way to Defendant's Requests for Production of Documents.
5. Plaintiffs have also not requested an extension of time in which to respond to Defendant's Request for Production of Documents.

WHEREFORE, for the foregoing reasons, Defendant respectfully requests that Plaintiffs be compelled to produce the discovery sought, and that this Court enter an order providing that Plaintiffs shall produce all documents requested in Defendant's First Request for Production of Documents.

Dated: January 11, 2013

Respectfully submitted:

/s/ Russell R. Bruch

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CERTIFICATE OF SERVICE

I, Russell R. Bruch, hereby certify that on January 11, 2013, Defendant Comcast Cable Communications Management, LLC's Motion to Compel Discovery was served via CM/ECF upon all counsel of record.

/s/

Russell R. Bruch